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EXAMINER
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ROBERTSON, DAVID

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/830,115	<b>Applicant(s)</b> ECKART ET AL.	
	<b>Examiner</b> Dave Robertson	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,13,15-25,27-33,35-42,44,46-55,57-63 and 100-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63 and 100-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is a Final office action in response to Applicant's reply of 7/29/2008. Claims 1, 3-10, 12-13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are pending.

#### ***Response to Amendment***

2. Applicant amends claims to more clearly recite that the electronic data stored, converted, aggregated, and analyzed is financial statement information [previously recited as *performance or trial balance* information]. Method claims are amended to recite particular apparatus in the body of the claims.

#### ***Declaration under 1.132***

3. The affidavit under 37 CFR 1.132 filed 7/29/2008 is insufficient to overcome the rejections as set forth in the last Office action because, in view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness. Applicant's assertions of facts regarding specific meaning of "financial statement" in the art of accounting are useful but not dispositive of the rejections previously made under 103(a). Applicant does not argue secondary considerations or provide evidence other than assertions and conclusions made. Arguments distinguishing "financial statement information" from the information stored, converted, aggregated and analyzed by the prior art systems are addressed below in *Response to Arguments*.

***Response to Arguments***

4. Applicant's arguments and affidavit filed 7/29/2008 have been fully considered but they are not persuasive:

Applicant argues that the system of Lewis (US Pat. 6,513,019) does not perform the recited steps, nor include the recited structure of the methods and systems claimed in the instant application. (Remarks, page 21). Specifically, Applicant argues Lewis does not teach “receiving financial statement information from a contributing business as an electronic data file, the financial statement information associated with the contributing business and originating from a financial accounting system used by the contributing business to maintain its general ledger accountings record.” (Remarks, page 22).

Applicant's essential argument (including arguments made in the Affidavit referred to above) is that because Lewis teaches receiving, storing, converting, and aggregating *transaction-based* financial information related to financial transactions and their associated record keeping in a manner different from the disclosed invention, Lewis cannot teach or suggest receiving, storing, converting, and aggregating *financial statement information* from *accounting systems* according to the recited steps of structures of the invention as claimed. The distinctions made are: 1) between *financial statement information* and the financial transaction and other data of Lewis; 2) between the processing methods of Lewis (real-time aggregation of “sophisticated” financial transaction data) and the processing methods of the invention (aggregating of financial statement information); 3) between storing financial transaction data in a standardized

database and storing standardized financial statement information in a standardized *general ledger* database; and 4) between the source financial transaction systems of Lewis and the submitting business' general ledger accounting system of the present invention.

Examiner respectfully disagrees: Applicant is reminded that claims are given their broadest reasonable interpretation in light of the disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Claims are interpreted in light of the specification but limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003).

With respect to Applicant's specific arguments, from above:

1) Broadly interpreted, *financial statement information associated with a contributing business* is information found on financial statements of a business or on which such financial statements may be based and a financial *accounting information system* is a system for managing information used to *account* for financial transactions.

Lewis expressly teaches "financial statement activities involve assessment and refinement of account activities and transactions" (Lewis, column 3, line 22) in a system for accounting (storing, analyzing, reporting) for such financial transactions. Lewis teaches *financial transaction information* as financial statement information, noting that Lewis teaches browsing financial statements produced by the reporting engine which provides consolidated reports distributed electronically, the reports generated from the aggregated financial transaction data (column 22 from line 8).

2) That Lewis teaches receiving, storing, converting, aggregating, and analyzing sophisticated and varied financial transaction information does not negate, by mere complexity, Lewis teaching receiving, storing, converting, and aggregating *financial statement information*. Lewis expressly teaches aggregating financial statement information by receiving and storing financial transactions as well as receiving information obtained from financial accounting systems of the source businesses (see at least Figure 4, "Customer/Counterparty Systems").

3) Lewis expressly teaches using aggregated financial transaction information to store, create, and analyze *general ledger* information (see Figure 4, "General Ledger"). That Lewis teaches a system including *third-party* systems for performing these functions does not negate the teaching that such systems were known at the time of invention to exist and to be expressly integrated into accounting information systems such as Lewis.

4) As to the *source* of Lewis financial statement information asserted as not being from the submitting business' general ledger accounting system, Lewis expressly teaches receiving accounting information from legacy customer or counterparty ledger-based accounting systems (see column 19 from line 37) and as shown on Figure 4, the "Source Systems" where these Customer/Counterparty system provide financial information to the "Interface/Transformation Server" of Lewis.

Applicant further argues the system of Lewis even in view of McQuire (US Pat. Appl. 2004/0059651) cannot teach or suggest converting financial statement information

from one format to another (such as GAAP) because, though McQuire discloses in detail such conversions of financial data, Lewis is concerned only with conversion of the format of the transaction data message, not the financial data itself. (Remarks, page 29).

However, Lewis alone was not used to teach the converting of financial statement information from one format to another to a standardized format under one accounting classification. McQuire was relied upon to teach that it would have been obvious to one of ordinary skill in the art that conversion of financial accounting data from one standard to another under a standardized chart of accounts, because doing so would have provided the financial information from customers and counterparties in such a way as analyses and reports could be advantageously produced (citing Lewis' motivation at column 4, from line 54, of consolidating disparate data from disparate sources). That Lewis also teaches performing conversion on the *format* of transactions to a standardized format to a standardized accounting information database (Figure 4, Item 110, "Accounting Information Server", does not negate the suggestion in McQuire to convert the *accounting classifications* within the transaction data.

Applicant does not traverse Examiner's assertion of facts by official notice in the prior office action. Because Applicant has not specifically pointed out any errors in the Examiner's taking of Official Notice, the officially noticed facts are deemed admitted prior art. See MPEP § 2114.03 (C).

5. Accordingly, the grounds of rejection over all claims as in the prior office action are maintained.

***Claim Objections***

6. Claim 100 is objected to because of the following informalities: At page 16, line 1, of the amended claim 100 the phrase ,including but not limited to <Loren can we put something here?> is an obvious oversight in claims drafting.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-10, 12, 13, 15-25, 27-33, 35-42, 44, 46-55, 57-63, and 100-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US Pat. 6,513,019) in view of MaGuire, III et al (US Pat. Pub. 2004/0059651).

Lewis teaches a system and means for standardizing, aggregating, consolidating, structuring and integration, storage, alerting, and distribution of private company financial data (see Background, columns 1-2), including automated methods of online aggregation of accounting data to a central standardized database by obtaining, converting, analyzing, and reporting business performance information from one or more businesses, converting the performance information to standardized performance classifications, and from the converted performance information,



calculating performance metrics on which a variety of alerts produced and communicated to the requesting party.

MaGuire discloses automated methods of a financial reporting system for generating financial reports from financial applications and accounting systems having different accounting standards and formats. MaGuire describes a system which incorporates the Oracle Financial Statement Generator™ and NEON™, two commercial packages which translate financial information from disparate accounting systems using a table-based conversion map, in a system which reports on financial performance of firms or divisions using different national accounting standards.

Specifically, with respect to the claims of the present invention:

Claim 1

Lewis teaches *receiving at a networked-based data processing system (Figure 4) financial statement information (see Figure 4 “Source Systems”) from a contributing business from a contributing business as an electronic data file, the financial statement information associated with the contributing business and originating from a financial accounting system used by the contributing business to maintain its accounting records (see Figure Items 100 and 112, respectively, the “Interface Transformation Server” and the “Customer/Counterparty Information Server”, both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as “legacy data files” at column 19 lines 37-43); storing the financial statement information as electronic data on a data processing system, the financial statement*

*information in the report having a first format based on a first set of performance classifications (see Figure 4, Item 110 and related discussion); converting, using an automated process executing on the data processing system, the financial statement information in the report from the first format to a second standardized format (see column 14 from line 1, the system performing business rules from a business rule database against data from disparate sources into standardized business objects representing standard performance classifications); aggregating the converted performance information with performance information associated with at least one other business thereby creating a standardized database of private company performance information (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses); analyzing the converted financial information associated with the business based in part on one or more performance metrics (see numerous analysis modules at Figure 1 Items 150 and related discussion) with an automated program executing on the data processing system (Figure 4 Item(s) 15); and generating at least one electronic report based on the results; and automatically providing at least a portion of the electronic report to at least one requesting party (see Figure 1 Item 190, the “Reporting Engine” and related discussion, esp. column 22 from line 7).*

However, Lewis does not expressly teach converting... based at least in part on a conversion map.

MaGuire expressly teaches the converting using automated processing from the first format to a second standardized format (see ¶ [0023]) based at least in part on a

conversion map associated with the business (e.g. the mapping from JP GAAP to US GAAP performed as described in [0029] using an “interface table of a general ledger application”, the conversion defining a correspondence between one or more performance classifications of the first set...to one or more respective classifications of the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see also from [0036])). Given Lewis’ teaching of obtaining financial accounting information in the form of ledgers with account classification given by a chart of accounts (see column 14 line 57 and column 19 from line 37), although not expressly providing details on how the business rules stored in database tables would be applied to convert customer and counterparty data to standard set of performance classifications (see column 6 from line 7), it would have been obvious to one of ordinary skill in the art at the time of invention to apply a conversion map process as in MaGuire to convert accounting information for one business under one set chart of accounts to a standard chart of accounts for consolidating financial accounting information, with the advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business’ own ledger-based accounting. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis’ system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 3

Lewis teaches at least one electronic report includes *at least one alert indicator to identify at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric* (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system). Lewis' predetermined threshold values are *determined by at least one recipient* (see column 5 from line 55; column 6 from line 29; column 18 from line 6; column 19 from line 66; and column 22 from line 7);

Claims 4 and 5

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a "target value" set for the performance metric).

Claim 6

Lewis teaches or suggests claim 3 as above; however, with respect to alerts generated and based on converted financial statement information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric*.

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis' teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis' teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least "technical indicators" (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 7

Claim 7 substantially recites method steps of claim 1, repeating the process of claim 1 for a *second business*; that is, the *obtaining, converting, aggregating* and *analyzing* of financial statement information is performed on financial information in performance classifications converted from a *third set* of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 1 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 “Consolidation” and “Integration”); however, Lewis does not *expressly* teach the converting of performance classifications a second business in a *third format*, converting the financial statement information to a standard format (the *second* format of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes financial statement information from a *second* business potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of

accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 8

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

Claim 9

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted financial statement information is inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 10 and 12

Lewis teaches obtaining financial statement information and providing electronic reports via a website (see Figure 1 Item 120 and discussion throughout).

Claim 13

Lewis teaches the conversion of the financial statement information is performed at least in part using one or more software programs (see column 9 from line 16, the “Accounting Information Server” is part software program).

Claim 15

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which financial statement information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 16

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system).

Claims 17 and 18

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to



users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 19

Lewis teaches claim 16 as above; however, with respect to alerts generated and based on converted financial statement information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric.*

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of stock price for the industry or sector. Such comparison is known to provide a measure of the relative performance of a securities price to its industry peer stocks.

Given Lewis’ teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis’ teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or

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below peer stocks in the industry. This would have indicated to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, thereby alerting the user to an opportunity for gain or loss in the particular stock, apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 20

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 21

Lewis teaches delivering a portion of the converted financial statement information to at least one requesting part as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 22

Lewis teaches wherein the financial statement information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 23

Lewis teaches wherein the financial statement information includes operational information where the performance classifications are operational classifications (see

column 19 from line 37, teaching operational classifications of the financial statement information consolidated by Customer/Counterparty Information Server).

Claims 24 and 25 recite substantially the method of claim 1, and are similarly rejected for reasons given above. With regard to the *electronic data file uploaded via the GUI* see the interpretation taken on *via the GUI* in section Rejections under 112, 2<sup>nd</sup> paragraph, above and further, in Lewis Figure 1 Items 140 “thin clients” and 120 “web server” and related discussion on uploading data to the system).

Claim 27

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which financial statement information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 28

Lewis teaches at least one performance report includes at least one alert to the requesting party, identifying at least one performance metric of the converted financial statement information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on financial statement information received and converted into the system).

Claim 29

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 30

Lewis teaches delivering at least a portion of the converted financial statement information to a requesting party as one or more data files having a format compatible with software operated by the requesting party (see column 10 from line 20, HTML is format compatible with software (a browser) operated by the requesting party).

Claim 31

Lewis teaches wherein the financial statement information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14, line 59).

Claim 32

Lewis teaches wherein the financial statement information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the financial statement information consolidated by Customer/Counterparty Information Server).

Claim 33

Lewis teaches a network-based financial statement information management system for automated management of financial statement information associated with at least one private business (see Summary of Invention; Claim 1), including

a performance information receipt module that receives performance information uploads in the form of an electronic data file containing business performance information associated with a business performance information (see Figure Items 100 and 112, respectively, the “Interface Transformation Server” and the “Customer/Counterparty Information Server”, both receiving performance information in the form of electronic information, the former receiving electronic data on a transaction/message basis and the latter expressly receiving transaction/message data and as “legacy data files” at column 19 line 43), the performance information having a first format based on a first set of performance classifications (see from column 13, line 61 to column 14, line 47);

a database module for storing the converted information with information associated with at least one other business thereby creating a standardized database of private company financial statement information (see Figure 1 Item 115 and related discussion, the database storing accumulated, standardized data on one or more businesses);

an analysis module for analyzing the converted financial statement information based at least in part on one or more performance metrics (see numerous analysis modules at Figure 1 Items 150 and related discussion); and

a performance report/alert generation module for generating at least one performance report based on results of the analysis module, the performance report/alert generation module providing the at least one performance report to at least

one requesting party (see Figure 1 Item 190, the “Reporting Engine” and related discussion, esp. column 22 from line 7);

However, Lewis does not expressly teach a mapping module *including a map database that converts the financial statement information from the first format to a second standardized format based at least in part on a mapping between one or more performance classifications of the first set of performance classifications, and one or more performance classifications of a second set of performance classifications, the mapping maintained in the map database.*

MaGuire expressly teaches the converting using automated processing from the first format to a second standardized format (see ¶ [0023]) based at least in part on a conversion map associated with the business (e.g. the mapping from JP GAAP to US GAAP performed as described in [0029] using an “interface table of a general ledger application”, the conversion defining a correspondence between one or more performance classifications of the first set...to one or more respective classifications of the second set (see full discussion of the Conversion Engine, from ¶ [0023-0029]; see also from [0036]). Given Lewis’ teaching of obtaining financial accounting information in the form of ledgers with account classification given by a chart of accounts (see column 14 line 57 and column 19 from line 37), although not expressly providing details on how the business rules stored in database tables would be applied to convert customer and counterparty data to standard set of performance classifications (see column 6 from line 7), it would have been obvious to one of ordinary skill in the art at the time of invention to apply a conversion map process as in MaGuire to convert accounting information for

one business under one set chart of accounts to a standard chart of accounts for consolidating financial accounting information, with the advantage of consolidating and aggregating the most accurate financial information available on the business, the accounting information as reported by the business' own ledger-based accounting. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

Claim 35

Lewis teaches at least one performance report includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system).

Claims 36 and 37

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 38

Lewis teaches claim 35 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric*.

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of company stock prices for the industry or sector. Such comparison is known to provide a measure of the relative performance of a company to its industry peer stocks.

Given Lewis’ teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis’ teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or



below peer stocks in the industry, thereby indicating to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, and alerting the user to an opportunity for gain or loss in the particular stock apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 39

Claim 39 substantially recites system of claim 33, repeating the process carried out by the system of claim 33 for a *second business*; that is, the *obtaining, converting, aggregating* and *analyzing* of performance information is performed on performance information in performance classifications converted from a *third set* of performance classifications to the second set (the standard or common set).

Lewis teaches or suggests claim 33 as above, including performing the obtaining, converting, aggregating, and analyzing for a *second business* (see at least column 2 from line 10 "Consolidation" and "Integration"); however Lewis does not *expressly* teach the converting of performance classifications a second business in a *third format*, converting the performance information to a standard format (the *second* format of claim 1).

MaGuire teaches use of the conversion system in commercial lending, trade finance, etc. to consolidate financial information of other businesses at a commercial lender (see from ¶ [0026]; and also ¶ [0021]) describing consolidating banking information from different branches, departments, countries, and *customers* (customer financial information constitutes performance information from a *second* business

potentially in a *third classifications format*, the international GAAP format of a foreign (non-US) customer).

It would be obvious to one of ordinary skill in the art at the time of invention that performing the conversion of performance classifications using a mapping as taught in MaGuire, to convert accounting information for one business under one set chart of accounts, to a standard chart of accounts, for consolidating financial accounting information, would give the same advantage of consolidating and aggregating the most accurate financial information, on a second business. The standardized database from which analyses on the accounting information could then be performed is thus maximized with regard to the financial data available for decisions of customers and counterparties and other requestors of data of Lewis' system according the stated advantages and benefits of such analyses (see Lewis, column 4, from line 54, *inter alia*).

#### Claim 40

Lewis' teaching of generating at least one electronic report on the second business is inherent to the capability of generating a report on a first business.

#### Claim 41

Lewis' teaching of analyzing at least one performance metric based on one or more representative performance metrics from the aggregated converted performance information is inherently a capability applicable to a second business (see Figure 1 Items 150 and related discussion of analysis modules; see all "Consolidation" and "Integration" throughout).

Claims 42 and 44

Lewis teaches a performance report/alert generation module includes a website (having webpages) adapted to receive the performance information (see Figure 1 Item 120 and discussion throughout).

Claim 46

Lewis teaches wherein the business is one of a private business, a public business, a non-profit, or government agency (see Summary of Invention: at least one business for which performance information is obtaining is a financial institution which may be any of the stated group of business types).

Claim 47

Lewis teaches the performance report/alert module includes at least one alert indicator to identify at least one performance metric of the converted performance information having a variance from a corresponding predetermined value that exceeds an adjustable threshold associate with the performance metric, that is set by the requesting party (see from column 5 line 55: express object of invention to provide alerts, with detailed discussion of Notification Server, from column 15, line 58, teaching alerts electronically sent to users when a limit has been exceeded on performance information received and converted into the system; especially column 16 line 4).

Claim 48 and 49

Lewis teaches wherein the predetermined value includes a value of the performance metric from a previous period (see column 18, line 7: alerts also sent to

users when prices change in excess of pre-set change tolerances, the tolerances plus the previous price being a “target value” set for the performance metric).

Claim 50

Lewis teaches claim 47 as above; however, with respect to alerts generated and based on converted performance information, Lewis does not expressly teach *wherein the predetermined value includes a value representative of an industry average for the performance metric*.

Official Notice is taken that it is old and well known to compare the performance of a stock or other financial instrument as measured by its price, to an industry or sector price index, the index computed as an average of company stock prices for the industry or sector. Such comparison is known to provide a measure of the relative performance of a company to its industry peer stocks.

Given Lewis’ teaching of alerts based on performance metrics using predetermined values with thresholds being exceeded, or in variance from target values, and further Lewis’ teaching of a Market Data Information Server (described first from column 16 from line 18), the Market Data Server obtaining data from financial information services Bloomberg and Reuters (line 36) including information on traded securities (column 18 from line 37) and for each security at least “technical indicators” (Table 1), it would have been obvious to one of ordinary skill in the art at the time of invention to set an alert wherein the predetermined value includes a value representative of an industry average (i.e. a stock or sector index), as this would have provided an indication that a stock of interest was experiencing price moves above or

below peer stocks in the industry, thereby indicating to a user interested in or owning a particular stock that the stock's price behavior was out of sync with the industry, and alerting the user to an opportunity for gain or loss in the particular stock apart from any fluctuation common to the industry or sector, for example, seasonal variation.

Claim 51

Lewis teaches wherein the alert is delivered via a text message (column 15 from line 58; column 17 from line 42).

Claim 52

Lewis teaches delivering a portion of the converted performance information to at least one requesting part as one or more data files having a format compatible with software operated by the requesting party (see column 17 from line 42, sending data to user in an XML file or in a format compatible with the requestors legacy application).

Claim 53

Lewis teaches wherein the performance information includes financial information where the performance classifications are financial accounts (see column 14 from line 12 to column 14 line 59).

Claim 54

Lewis teaches wherein the performance information includes operational information where the performance classifications are operational classifications (see column 19 from line 37, teaching operational classifications of the performance information consolidated by Customer/Counterparty Information Server).

Claims 55 and 57-63 recite substantially a system for automating the methods of claims 1, 3-10, 12, 13, 15-25, and 27-32, are similarly rejected for reasons given above for the respective claim and claim limitations.

Claim 100 recites substantially the method of claim 1, and is similarly rejected for reasons given above, and further that Lewis teaches model “visualization” (see Figure 1 Item 145) and including producing historical queries and reports across a historical period” (column 21 from line 63).

Claim 101 recites a system substantially identical to claim 35, and is similarly rejected for reasons given above.

Claim 102 recites a method substantially identical to claim 10, i.e. performing the method of claim 1 by obtaining data over the Internet (via a website), and is similarly rejected for reasons given above.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is (571)272-8220. The examiner can normally be reached on 9 am to 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Robertson/  
Examiner, Art Unit 3623

/Beth V. Boswell/  
Supervisory Patent Examiner, Art Unit 3623